

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMAs

KAYDEE HELEN NOON,

Plaintiff,

v.

UNITED STATES AIR FORCE,

Defendants.

Case No. C22-5865 DGE

REPORT AND
RECOMMENDATION

On January 5, 2023, this Court entered a Report and Recommendation that plaintiff's application to proceed *in forma pauperis* should be denied for failure to prosecute after plaintiff failed to respond to the Court's order to show cause. Dkt. 3. The Court, in the Report and Recommendation, stated that plaintiff's complaint failed to state claim. However, the order to show cause was issued because it appeared plaintiff could afford the \$402.00 filing fee. Thus, this Report and Recommendation seeks to clarify that plaintiff's application to proceed *in forma pauperis* should be denied and her complaint should be dismissed without prejudice for failure to respond to the Court's order to show cause asking her to either explain why she cannot afford the filing fee, or in the alternative, pay the \$402.00 filing fee. Plaintiff has not done either to date.

A plaintiff is not entitled to submit written objections to the Magistrate Judge's report and recommendation that IFP status should be denied. *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998)(per curiam). Denial of a motion to

1 proceed IFP is an immediately appealable order. *Tripati v. Rison*, 847 F.2d 548,
2 548-549 (9th Cir. 1988). Under *O'Neal v. Price*, 531 F.3d 1146, 1151-1156 (9th Cir.
3 2008), the complaint should be dismissed without prejudice.

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5 Dated this 11th day of January, 2023.

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9 Theresa L. Fricke
10 United States Magistrate Judge
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